

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

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5 KMI ZEOLITE, INC.,

6 Plaintiff,

7 vs.

8 UNITED STATES DEPARTMENT OF THE  
9 INTERIOR, *et al.*,

10 Defendants.

2:15-cv-02038-MMD-VCF

**ORDER**

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12 Before the Court is Plaintiff ABC Recycling Industries, LLC's Motion to Extend Time to File  
13 Objection to Report and Recommendations (ECF NO. 104).

14 On December 11, 2017, Judge Ferenbach issued a Report and Recommendation that ABC be  
15 defaulted. (ECF No. 90). Any objections were due by December 26, 2017. No objections were filed.  
16 ABC retained new counsel on February 16, 2018. On February 28, 2018, ABC filed the instant motion  
17 seeking an extension to file an objection to the Report and Recommendation. ABC states that Mr. Ford  
18 (ABC's representative) obtained new counsel after realizing that his former counsel failed to file a notice  
19 of appearance for ABC, which lead to the recommendation for default of ABC in this matter. (ECF No.  
20 104). ABC claims that Mr. Ford has acted in good faith and that ABC's negligence in its failure to timely  
21 file an objection to the Report and Recommendation is excusable neglect. *Id.*

22 The Federal Defendants have filed an opposition to ABC's motion to extend time to object (ECF  
23 No. 105). The Federal Defendants argue that Harker's (ABC's former counsel) failure to act was not  
24 excusable neglect and they would be prejudice if ABC continues to be a party, since they will need to  
25 respond to ABC's quiet-title action. *Id.*

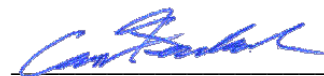
1 ABC filed a reply in support of the its motion and addressed the Federal Defendants' argument.  
2 (ECF No. 109).

3 Under LR IB 3-1(a) and 3-2(a), the parties are entitled to file an objection to the magistrate judge's  
4 findings and the deadline to file any objections is 14 days after the service of the report and  
5 recommendations. The report and recommendation (ECF No. 90) is currently pending. There has been  
6 change in counsel for ABC. Given the severity of the recommendation of default of ABC, the court finds  
7 that allowing ABC an opportunity to file an objection to the Report and Recommendation is appropriate  
8 and this action will not prejudice the Federal Defendants.

9 Accordingly, and for good cause shown,

10 IT IS HEREBY ORDERED that Plaintiff ABC Recycling Industries, LLC's Motion to Extend  
11 Time to File Objection to Report and Recommendations (ECF NO. 104) is GRANTED. Any objections  
12 are due by April 13, 2018.

13 DATED this 30th day of March, 2018.



14 CAM FERENBACH  
15 UNITED STATES MAGISTRATE JUDGE  
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